

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

KENNETH B. ROYE,

Plaintiff,

vs.

JO ANNE B. BARNHART, Commissioner
of Social Security,

Defendant.

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CIVIL ACTION NO. 05-0024-P-C

JUDGMENT

In accordance with this court's Order entered this date, it is hereby ORDERED, ADJUDGED, and DECREED that the decision of the Commissioner of Social Security denying plaintiff benefits be REVERSED and REMANDED to the Social Security Administration, pursuant to sentence four of 42 U.S.C. § 405(g), see Melkonyan v. Sullivan, 501 U.S. 89 (1991), for further proceedings consistent with this opinion.

The Remand pursuant to sentence four of § 405(g), makes plaintiff a prevailing party under the Equal Access to Justice Act, 28 U.S.C. § 2412, see Shalala v. Schaefer, 509 U.S. 292 (1993), and terminates this court's jurisdiction over the matter.

DONE the 19th day of September, 2005.

S/Virgil Pittman
SENIOR UNITED STATES DISTRICT JUDGE